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|   |             |                      |                                 |                             |
|---|-------------|----------------------|---------------------------------|-----------------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
| 10/670,604  | 09/26/2003  | Tetsuro Motoyama     | 240204US28                      | 1499                        |
| 22850 7590 01/02/2008<br>OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | EXAMINER<br>SIKRI, ANISH        |                             |
|   |             |                      | ART UNIT<br>2143                | PAPER NUMBER                |
|   |             |                      | NOTIFICATION DATE<br>01/02/2008 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/670,604

Applicant(s)

MOTOYAMA, TETSURO

Examiner

Anish Sikri

Art Unit

2143

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-36.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.



Continuation of 11. Note:

Applicant's arguments filed on 12/10/2007 have been fully considered but they are not persuasive. The examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support.

The applicant's argument in the 8/1/07 response was based on the new limitation in amendment, Since a more detailed mapping of reference is provided the examiner believes that response to arguments is not needed. However, clear explanation will be provided for the claims.

Regarding applicant's argument of claims 1, 13 and 25. In Claim 1 applicant argues that the "one MIB in the ADC device platform does not equate to the claimed "first memory" and "second memory". The reference clearly shows on how the MIB can modify or view the ADC device platform [0038]. And in Ramberg et al [0039], [0040] it shows that it does store the information related to the devices. It is inherent for the MIB to comprise memories for storing information. Applicant argues that the ADC 100 is the monitoring device, it is clearly shown in [0038]-[0039], that the MIB is the monitoring device and the monitored devices can be the ADC device.

Applicant states in claim 1, that the "selecting by the monitoring computer a communication protocol among the plurality of communication protocols, the monitored device being configured to process two or more of the plurality of communication protocols", and the applicant argues that the reference teaches that the monitoring device can only use one communication protocol, that being the SNMP. It clearly shows in [0045], that the ADC devices which are communicating with the SNMP can use the 900Mhz protocol. To further add support, in [0039], it clearly states that the "MIB includes information related to these protocols, according to exemplary embodiment of the invention", and protocols it is referring to are mentioned in [0038]. Applicant argues that there is no selection of protocols, as it is clearly shown in [0039] and [0045], multiple different protocols can be selected for operation.

Applicant also argues that the reference does not teach that the MIB is not configured to process two or more of the plurality of communication protocol. The examiner clearly points out to Ramberg et al, in section [0038], [0039], and [0045], that multiple protocols are used and can be selected for operations between the monitoring system and its monitored devices. Applicant also argues that the communication is not communicated directly between the monitoring system and monitored device. It can be clearly seen in [0039], and [0045], that the MIB communicates directly with the ADC devices.

The arguments above are valid for Claims 13 and 25 respectively, as the subject matter is same as for claim 1